

REMARKS

Claim 1 has been amended. Claim 5 has been canceled. Thus, claims 1, 4 and 6-9 are now pending in the present application. Support for the amendment to claim 1 may be found in original claim 5 and in the specification at page 19, lines 10-12. Thus, no new matter has been added. Reconsideration and withdrawal of the present rejections in view of the amendments and comments presented herein are respectfully requested.

Rejections under 35 U.S.C. § 103(a)

Claims 1 and 4-9 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lin et al. (US 6,340,734).

Claims 1 and 4-9 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gronbeck et al. (US 2003/0099899) with Crivello (US 4,603,101). Crivello was incorporated by reference by Gronbeck et al., and is cited for its alleged teaching of di(t-butylphenyl)iodonium trifluoromethanesulfonate). However, as described below, the combination of the cited references does not support a *prima facie* showing of obviousness with respect to the presently pending claims.

Claim 1 as amended recites that the acid generator component (B) and the crosslinking agent component (C) are a combination of an oxime sulfonate-based acid generator (B) and an ethyleneurea-based crosslinking agent (C), or a combination of a mixture of an oxime sulfonate-based acid generator and a diazomethane-based acid generator (B) and an ethyleneurea-based crosslinking agent (C). Neither of the cited references teaches or suggests such combinations components (B) and (C). As stated in MPEP § 2143, “The rationale to support a conclusion that the claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art.” *KSR v. Teleflex*, 550 U.S. at 398, 82 USPQ2d at 1395. However, the cited references do not establish that all the claimed elements were known in the prior art. Nor has the Examiner pointed to any knowledge of those having ordinary skill in the art that would lead to the claimed combination. Therefore, the claims cannot be obvious over either of these references.

In addition, as noted in the previously filed response, the specification provides unexpected results which are sufficient to overcome a *prima facie* showing of obviousness, even if such a showing were present. Specifically, in Examples 15 and 16 using Resin 1 containing both of the constituent units (a1) and (a2), a fine pattern could be formed without thickness loss. In contrast, in Comparative Example 1 using Resin 2 containing only the constituent unit (a1), a pattern could not be formed because the thickness loss was too large (see page 54, Table 3). The Examiner dismissed Applicant's unexpected results, contending that the comparison of Examples 15 and 16 to Comparative Example 1 of the present specification was not commensurate in scope with the claims, since present claim 1 does not claim the nitrogen containing organic compound or the organic carboxylic acid, both of which are being used in the examples, and that the comparison was not made to the closest prior art. Claim 1 as amended includes the components (D) and (E), and is now commensurate in scope with the unexpected results.

The foregoing results are completely unexpected, and could not have been predicted in light of the cited reference or other knowledge of those having ordinary skill in the art. Accordingly, these unexpected results would rebut any case of *prima facie* obviousness if one were present, and strongly support the nonobviousness of the presently claimed invention.

In view of the comments presented above, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a).

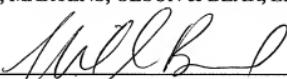
CONCLUSION

Applicants submit that all claims are in condition for allowance. However, should there be any questions concerning this application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/20/09

By: 
Neil S. Bartfeld, Ph.D.
Registration No. 39,901
Agent of Record
Customer No. 20,995
(619) 235-8550